



November 4, 2022

VIA ECF

Magistrate Jessica S. Allen
United States District Court for the
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Courtroom MLK 2B
Newark, New Jersey 07101

Re: *Castano v. Lex Brands LLC et al*
Case No. 2:22-cv-00767-KM-JSA

Dear Judge Allen,

This firm represents Defendants Lex Brands LLC, Silber Capital LLC, Israel Zahler, and Samuel Spielman ("Defendants"). We write, pursuant to Local Rules 16.1(f)(2) and 37.1(a)(1), to raise a dispute regarding discovery in this matter. Specifically, Plaintiff Mario Castano ("Plaintiff") has failed to respond to Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories on Plaintiff. At the telephone status conference held by Your Honor on September 21, 2022 and pursuant to text order issued thereafter, the parties were ordered to provide fully responsive answers and documents to all previously served written discovery requests or before October 21, 2022. (See Doc. No. 26.)

On October 21, 2022, an associate with Plaintiff's counsel Steven Siegler's firm contacted my office by telephone to request a one-week adjournment of that deadline because Plaintiff's counsel had just received responsive documents from their client. We agreed to that brief adjournment. On October 28, 2022, Defendants served Plaintiff with Defendants' Response to Plaintiff's First Request for Production with responsive documents annexed and Defendants' Response to Plaintiff's First Set of Interrogatories. Mr. Siegler responded that Plaintiff would provide responses to Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories on Plaintiff on Monday, October 31, 2022. On that date, Plaintiff again failed to provide responses. On November 1, 2022, I corresponded with Plaintiff's counsel to confer regarding Plaintiff's failure to provide discovery responses but did not receive a response. As of the date of this letter, Plaintiff has not provided any answers or documents in response to Defendants' First Request for Production of Documents and Defendants' First Set of Interrogatories on Plaintiff.

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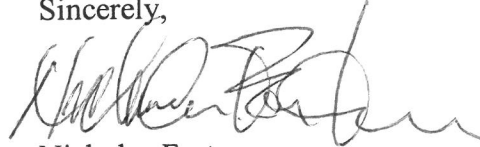
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Defendants request this Court's assistance with this matter. Due to the Plaintiff's failure to respond to written discovery demands and to confer with us regarding their status, we are unable to submit a joint letter on November 7, 2022 regarding the November 22, 2022 settlement conference, as ordered by this Court. Defendants remain available for a telephone conference with the Court to discuss this matter and whether Defendants are permitted to file a motion pursuant to F.R.C.P. Rule 37.

Thank you for your consideration.

Sincerely,



Nicholas Fortuna

cc: Steven Siegler (via ECF)